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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ERIC MATTHEW SCHOENBERG,

9 Plaintiff,

10 v.

11 WINDSTAR CRUISES MARSHALL  
ISLANDS, LLC,

12 Defendant.

C20-1485 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable  
14 Thomas S. Zilly, United States District Judge:

15 (1) By Order entered May 14, 2021, docket no. 31, the Court requested that the  
16 owner or manager of the Summit at Madison Park apartments indicate whether plaintiff  
currently resides or previously resided at 1819 23rd Avenue, Apt. 308W, in Seattle. The  
Court has received a response via email stating that the manager has no record of plaintiff  
ever residing at the Summit at Madison Park apartments.

17 (2) Plaintiff's counsel's motion for reconsideration, docket no. 26, is treated as  
18 a renewed motion for leave to withdraw and is GRANTED. Plaintiff's counsel indicates  
19 that he served both his original motion and his renewed motion for leave to withdraw on  
20 plaintiff via email at [ericmschoenberg@icloud.com](mailto:ericmschoenberg@icloud.com). *See* McCanna Decl. & Certificate of  
21 Service (docket no. 26). The Court sent a copy of its Minute Order entered April 12,  
2021, docket no. 28, to the same email address and received no notification (or "bounce  
22 back") that might suggest the address is not valid. Plaintiff's counsel has endeavored to  
locate plaintiff and ascertain whether he wishes to pursue this litigation, but to no avail.  
23 In light of the circumstances, plaintiff's counsel James K. McCanna and the firm of  
McCanna Law, PLLC are GRANTED leave to withdraw as counsel of record for plaintiff  
Eric Matthew Schoenberg, effective immediately.

1 (3) If plaintiff wishes to retain substitute counsel, he shall make arrangements  
2 for an attorney authorized to practice in this district to file a notice of appearance within  
3 thirty (30) days of the date of this Minute Order. If no notice of appearance is timely  
4 filed, plaintiff will be deemed to be proceeding in this matter pro se,<sup>1</sup> and counsel for  
5 defendant may thereafter have direct contact with plaintiff. Defendant may use email,  
6 phone, and/or social media to contact plaintiff, and with plaintiff's agreement, may serve  
7 discovery requests and other materials on him via electronic means. If plaintiff does not  
8 respond within thirty (30) days after defendant has made at least three (3) good faith  
9 attempts to reach him, during three consecutive weeks, defendant may move to dismiss  
10 this matter pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

11 (4) Defendant's motion to compel discovery, docket no. 23, is STRICKEN  
12 without prejudice. The parties or, if plaintiff is non-responsive, just defendant shall file a  
13 status report within 120 days of the date of this Minute Order.

14 (5) The Clerk is directed to send a copy of this Minute Order to all counsel of  
15 record and to plaintiff at [ericmschoenberg@icloud.com](mailto:ericmschoenberg@icloud.com).

16 Dated this 19th day of May, 2021.

17 William M. McCool  
18 Clerk

19 s/Gail Glass  
20 Deputy Clerk

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22 <sup>1</sup> As indicated in the prior Minute Order, docket no. 28, if plaintiff proceeds pro se, he will have  
23 an obligation to keep the Court apprised of his contact information and to provide the Court with  
any change of address. He will also be expected to comply with the rules and orders of this  
Court, and he will be held to the same standards as attorneys authorized to practice before this  
Court. Plaintiff is further ADVISED that his failure to respond to defendant's discovery requests  
or otherwise participate in this litigation as required by the rules and orders of this Court will be  
grounds for dismissal of his claims.